



[windelsmarx.com](http://windelsmarx.com)

Howard L. Simon  
212.237.1094  
[hsimon@windelsmarx.com](mailto:hsimon@windelsmarx.com)

156 West 56<sup>th</sup> Street | New York, NY 10019  
T. 212.237.1000 | F. 212.262.1215

May 26, 2015

**VIA ECF AND ELECTRONIC MAIL TO  
[bernstein.chambers@nysb.uscourts.gov](mailto:bernstein.chambers@nysb.uscourts.gov)**

Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, room 723  
New York, NY 10004-1408

Re: *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC, In re: Bernard L. Madoff (Adv. Pro. No. 08-01789 (SMB))*

Dear Judge Bernstein:

We write this letter in our capacity as special counsel to Irving H. Picard, trustee (the "Trustee") for the substantively consolidated liquidation proceedings of Bernard L. Madoff Investment Securities LLC ("BLMIS") and Bernard L. Madoff in the above-referenced proceeding, in connection with the recently filed *Expedited Motion of Albourne America LLC* ("Albourne"), *Ex Parte for an Order Authorizing the Filing of its Opposition to Trustee's Motion to Dedesignate Certain Documents Designated as Confidential Under Seal* [Dkt. No. 10041] (the "Albourne Motion").

First, we write to clarify that the Trustee assented to Albourne's request that it be permitted to file under seal its response to the Trustee's *Motion to Dedesignate Certain Documents Designated as Confidential by Albourne America LLC* (the "Dedesignation Motion") in order to facilitate the litigation process with respect to the Dedesignation Motion. Our assent should not be construed as indicating the Trustee's agreement that any of the Documents (as defined in the Dedesignation Motion) or Client Agreements (as defined in the Albourne Motion) are in fact confidential.

Second, we note that the Albourne Motion seeks entry of an Order that, among other things, would require "any party who wishes to make any citation to, or quote from, the redacted portions of the Opposition to redact any such citations or quotations from the publicly filed version of such pleading, and to file the unredacted version of such pleading under seal." As this could be interpreted to include the contemplated filing of a Reply by the Trustee, we request that any Order entered by the Court on the Albourne Motion provide the Trustee in the alternative with the right to file his Reply under seal, in lieu of a heavily redacted filing.



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Respectfully submitted,

*/s/ Howard L. Simon*

Howard L. Simon

Cc: Robert T. Honeywell, Esq., K&L Gates LLP (by e-mail)  
Eunice Rim Hudson, Esq., K&L Gates LLP (by e-mail)